

REMARKS

This is intended to be a complete response to the Restriction Requirement mailed April 17, 2006. Applicants have amended claims 14, 22, 28-30, and 55 herein. Claims 1-13, 20-21, 42-54, and 61-62 have been cancelled without prejudice.

In the restriction requirement it is stated that:

"Claims 14-19, 22-32 and 55-60 [are] drawn to composition comprising **untreated** HSCs in Class 435, subclass 325." [Group II]; and

"Claims 33-41 and 63-73, [are] drawn to a blood product, comprising **treated** HSCs, classified in Class 4435, subclass 325." [Group IV].

In fact, however, as described in the specification, the HSCs of the present invention, and thus the HSCs of Group II, are treated HSCs, rather than untreated HSCs. The claims 14-19, 22-32, and 55-60 which have been designated making up as Group II, and which referred to in the restriction requirement as "untreated", have been amended to indicate that the HSCs are "treated."

Thus, the HSCs of all of the claims of Groups II and IV are now directed to compositions or blood products of treated HSCs.

In the restriction requirement it was also stated that:

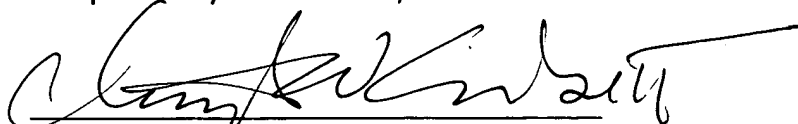
"Groups II and IV are different products. These inventions differ with respect to their structures and physicochemical properties, which require non-coextensive searches; therefore each product is patentably distinct".

However, in all of the claims of Groups II and IV, the HSCs lack or have reduced expression of CD38 protein and at least 10% of the treated HSCs bind to P-selectin or E-selectin.

Applicants respectfully submit that in view of the above, claims 14-19, 22-32, 33-41, 55-60, and 63-73 are not patentably distinct and thus properly comprise a single invention, and thus belong in a single group which can be searched in a single coextensive search.

In summary, Applicants hereby traverse the restriction requirement in regard to Groups II and IV. However, in the event the traversal is not accepted and the claims of Groups II and IV are not merged into a single group, Applicants elect the claims of Group II, as amended herein, with traverse.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher W. Corbett', written over a horizontal line.

Christopher W. Corbett, Ph.D.

Reg. No. 36,109

DUNLAP CODDING & ROGERS, P.C.

P.O. Box 16370

Oklahoma City, Oklahoma 73113

Telephone: 405/607-8600

Facsimile: 405/607-8686

Agent for Applicants